

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

Roman Catholic Diocese of Burlington,
Vermont,

Case No.: 24-10205
Chapter 11

Debtor.

UNITED STATES TRUSTEE'S EX PARTE
MOTION TO APPEAR VIA ZOOM

TO: THE HONORABLE HEATHER Z. COOPER
UNITED STATES BANKRUPTCY JUDGE

William K. Harrington, United States Trustee for Region 2, in furtherance of his duties and responsibilities set forth in 28 U.S.C. 586(a), does hereby move for an order of this Court to permit the United States Trustee to appear by Zoom for the Court's hearings in the above-captioned case scheduled for **June 24, 2025** pursuant to Local Bankruptcy Rules 5007-1(c); 7016-1; 9013-2(e)(3); and Appendix IX. The United States Trustee hereby states as follows:

FACTS

1. The Debtor commenced this case on September 30, 2024 by filing a voluntary chapter 11 petition. (ECF 1).
2. On February 6, 2025, the Court entered an order allowing the Official Committee of Unsecured Creditors to employ Berkeley Research Group, LLC ("BRG") (ECF 192).
3. On May 7, 2025, the United States Trustee filed a letter with the Court alerting to the Court of a data breach that the United States Trustee had become aware of that possibly involved data handled by BRG related to the above-captioned case. (ECF 299).

4. On May 23, 2025, Robert S. DiPalma, Esq. of Paul Frank Collins, P.C. filed a letter sent by Timothy Q. Karcher, Esq. of Proskauer Rose, LLP to Nan Eitel, Esq., Associate General Counsel for Chapter 11 Practice in the Executive Office for United States Trustees, in response to the United States Trustee's May 7, 2025 letter to the Court. (ECF 334).

5. On May 27, 2025, the Court scheduled a hearing regarding the two letters for June 24, 2025 in Burlington, VT.

ARGUMENT

Pursuant to Appendix IX to the Local Bankruptcy Rules for the District of Vermont, the Court may allow parties to appear via Zoom upon proper motion to the Court and a finding of good cause. Good cause exists to allow the United States Trustee to appear at the June 24, 2025 hearing via Zoom.

Under the criteria for virtual appearance in Appendix IX, the Court may allow virtual appearances as follows:

Virtual appearances will be limited to the following uncontested matters set for routine calendars unless otherwise ordered by the Court:

1. Any matters that are or will be agreed upon by all parties.
2. Requested continuances agreed upon by movant(s) and respondent(s). The case trustee, if any, must also agree if the continuance has any potential impact on payments, disbursements, or administration of the estate.
3. Court scheduled Status Conferences.
4. Upon Court order granting a motion to participate virtually. If there is good cause to request virtual participation, a motion should be filed at least 48 hours in advance of the hearing. Any such motion should set forth in detail the circumstances giving rise to the request and the justification for remote participation. If granted, the movant will receive the Zoom for Government link as described below.

The Bankruptcy Court for the District of Vermont has long been a proponent of remote appearances due to the unique geography and weather in the state. For example, the Bankruptcy Court conducted regularly scheduled hearings each month where participants could appear remotely using Vermont Interactive Television ("VIT") until the service was eliminated in 2015.

In this case, the docket indicates that the Court scheduled a hearing on the two letters docketed at ECF 299 and 334, however, no party has sought any affirmative relief from the Court in the form of a motion or application with respect to the data breach issue. Rather, the parties sought to inform the Court of the occurrence of the data breach in order to ensure full transparency. The June 24, 2025 hearing, therefore, could be considered to be a “status conference,” which is a permissible matter for virtual appearance under set forth in Appendix XI.

The Albany Office of the United States Trustee is located in Albany, NY. It is approximately 300 miles round trip to the Federal Courthouse in Burlington. In an effort to increase government efficiencies and maximize limited government resources, the United States Trustee respectfully requests the opportunity to participate in the hearing scheduled for June 24, 2025 via Zoom.

As stated above, there is no motion pending regarding the data breach nor has any party requested an evidentiary hearing, therefore it appears that there will be no testimony taken at the June 24, 2025 hearing.

In addition to the Court’s hearing, there are several interim fee applications returnable June 24, 2025. It is unclear from the docket whether the parties anticipate in-person hearings on the interim fee applications. In an abundance of caution, the United States Trustee submits this motion pursuant to Local Bankruptcy Rule 9013-2(e)(3), and Appendix IX.

The United States Trustee has worked diligently with counsel for the various parties to review and provide comment on interim fee applications as they are filed. The parties have achieved consensual resolutions on all previously filed fee applications and anticipates a similar result with this round of interim fee applications. They are currently under review by USTP staff. Moreover, all interim fee awards are subject to a final application and final order of the

Court. If any of the issues identified by the United States Trustee cannot be consensually resolved, he can raise them again when the final fee applications are filed.

Pursuant to Local Bankruptcy Rule 9013-1(b), prior to filing this motion, the undersigned contacted counsel for the various parties with hearings scheduled for June 24, 2025. No party objected to the United States Trustee's request to appear via Zoom. The United States Trustee is not aware of any prejudice to any party that might accrue as the result of the court allowing the United States Trustee to appear via Zoom as permitted under Appendix XI.

WHEREFORE, the United States Trustee respectfully requests this Court allow the United States Trustee to appear by Zoom for the hearings scheduled for **June 24, 2025 at 11:00 a.m.** in the above-captioned case.

Dated: June 4, 2025

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE
FOR REGION 2

/s/ Lisa M. Penpraze
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